

REMARKS

Claims 1 to 11 and 13 to 16 are pending subject to a Restriction Requirement between 2 Groups of claims. Applicants hereby elect the subject matter of Group I, drawn to chemical compounds, with traverse.

The restriction requirement is based on an alleged lack of novelty over a compound described in WO 02/066484. Applicants respectfully submit that the allegation that the recited compound anticipates the present invention is incorrect. The compound in question has methoxy substituents in the positions that correspond to R¹ and R² in the present claims. However, the instant claims require that at least one of R¹ and R² be Alk, Ar or Het, none of which includes methoxy. Accordingly, the compound recited in the Office Action is not within the scope of the instant claims, and the restriction lacks basis.

The Examiner also requested an election of a single species. It is Applicants' understanding that this species election is being made to aid the Examiner in conducting a search and examination of the claimed subject matter, and is not to be construed as limiting the scope of Applicants' claims. It is also Applicants' understanding that if the elected subject matter is found to be allowable over the prior art, the search and examination will be expanded to cover other species, until it includes the full scope of the generic claims included in the elected group. Applicants hereby elect the species identified in the Application as Final Compound 2 on page 34 of the specification. This compound is also the second compound listed in claim 5. Claims 1 to 5 read on the elected species, as would all of the claims of Group II, if the restriction is withdrawn.

In the event the Restriction is maintained, Applicants request rejoinder of the method and process claims upon a determination of Allowability of the elected group.

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PATENT

The foregoing constitutes a full and complete reply to the Office Action dated May 17, 2007. An early and favorable action on the merits is requested respectfully.

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